

**Notice of Allowability**

Application No.

09/552,217

Examiner

Kelly L. Jerabek

Applicant(s)

HUBINA ET AL.

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2612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed on 8/30/2004.
2. ☒ The allowed claim(s) is/are 2-10,13,14,17,18,21,22,25 and 26.
3. ☒ The drawings filed on 19 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 2-10, 13-14, 17-18, 21-22, and 25-26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

- a. "...wherein the step of associating the intensity value of the associated second pixel and the intensity value of the associated third pixel with the intensity value of the selected first pixel further includes: determining whether the intensity value of the associated second pixel is within a first range of the intensity value of the selected first pixel; and determining whether the intensity value of the associated third pixel is within a second range of the intensity value of the associated second pixel" as recited in claims 2,8,9, and 10.
- b. "...wherein the step of identifying the white regions in the image further comprises: associating first and second non-reference channel pixels with each group of associated pixels; and for each group of associated pixels, determining whether an intensity of photoexposure of the first non-reference channel are within a predetermined range about the intensity of photoexposure of the

reference channel pixel reference channel pixel with an intensity of photoexposure of the at least one non-reference channel pixel; and determining whether the difference between the intensities of photoexposure of the first and second non-reference channel pixels is less than a predetermined difference" as recited in claim 13.

c. "...logic for associating first and second non-reference channel pixels with each group of associated pixels; and for each group of associated pixels, logic for determining whether an intensity of photoexposure of the first non-reference channel pixel and an intensity of photoexposure of a second non-reference channel are within a predetermined range about the intensity of photoexposure of the reference channel pixel reference channel pixel with an intensity of photoexposure of the at least one non-reference channel pixel; and logic for determining whether the difference between the intensities of photoexposure of the first and second non-reference channel pixels is less than a predetermined difference" as recited in claim 17.

d. "...associating first and second non-reference channel pixels with each group of associated pixels; and for each group of associated pixels, determining whether an intensity of photoexposure of the first non-reference channel pixel and an intensity of a second non-reference channel are within a predetermined range about the intensity of photoexposure of the reference channel pixel reference channel pixel with an intensity of photoexposure of the at least one non-reference channel pixel; and determining whether the difference between the

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intensities of photoexposure of the first and second non-reference channel pixels is less than a predetermined difference" as recited in claim 21.

e. "...logic for associating first and second non-reference channel pixels with each group of associated pixels; and for each group of associated pixels, logic for determining whether an intensity of photoexposure of the first non-reference channel pixel and an intensity of photoexposure of a second non-reference channel are within a predetermined range about the intensity of photoexposure of the reference channel pixel reference channel pixel with an intensity of photoexposure of the at least one non-reference channel pixel; and logic for determining whether the difference between the intensities of photoexposure of the first and second non-reference channel pixels is less than a predetermined difference" as recited in claim 25.

### ***Contacts***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600